

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: 03/04/2019

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CLEARLAKE SHIPPING PTE LTD,

Plaintiff,

-against-

O.W. BUNKER (SWITZERLAND) SA, O.W.
BUNKER USA INC., O.W. BUNKER NORTH
AMERICA INC., O.W. BUNKER HOLDING
NORTH AMERICA INC., NUSTAR ENERGY
SERVICES INC., ING BANK N.V.,

Defendants.
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14-CV-9287 (VEC)

NIPPON KAISHA LINE LIMITED, individually
and on behalf of M/V RIGEL LEADER (IMO
No.9604940),

Plaintiff,

-against-

O.W. BUNKER USA INC., NUSTAR ENERGY
SERVICES, INC., KIRBY INLAND MARINE LP,
ING BANK N.V.,

Defendants.
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14-CV-10091 (VEC)

HAPAG-LLOYD AKTIENGESELLSCHAFT,

Plaintiff,

-against-

U.S. OIL TRADING L.L.C., O.W. BUNKER
GERMANY GMBH, O.W. BUNKER &
TRADING A/S, ING BANK N.V. AND CREDIT
AGRICOLE S.A.,

Defendants.
-----X

14-CV-9949 (VEC)

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U.S. OIL TRADING LLC,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	15-CV-6718 (VEC)
	:	
M/V VIENNA EXPRESS, her tackle, boilers,	:	
apparel, furniture, engines, appurtenances, etc.,	:	
<i>in rem</i> , and M/V SOFIA EXPRESS, her tackle,	:	
boilers, apparel, furniture, engines, appurtenances,	:	
etc., <i>in rem</i> , and HAPAG-LLOYD	:	
AKTIENGESELLSCHAFT, <i>as claimant to the in</i>	:	
<i>rem defendant M/V VIENNA EXPRESS</i> ,	:	
	:	
Defendants.	:	
-----	X	
	:	
HAPAG-LLOYD AKTIENGESELLSCHAFT,	:	
as claimant to the in rem defendant M/V	:	
VIENNA EXPRESS,	:	
	:	
Counter-Claimant and Third-Party Plaintiff,	:	
	:	
-against-	:	
	:	
U.S. OIL TRADING LLC,	:	
	:	
Counter-Defendant, and	:	
	:	
O.W. BUNKER GERMANY GMBH, O.W.	:	
BUNKER & TRADING A/S, ING BANK	:	
N.V., CREDIT AGRICOLE CORPORATE	:	
AND INVESTMENT BANK, a division or	:	
arm of CREDIT AGRICOLE S.A.,	:	
	:	
Third-Party Defendants.	:	
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ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS the above-captioned matters were previously selected by the Court as so-called “Test” cases to be used as efficient vehicles to resolve legal issues shared with other related cases, No. 14-CV-9287, Dkt. 158;

WHEREAS the United States Court of Appeals for the Second Circuit has resolved the appeals of this Court’s summary judgment decisions in the above-captioned matters;

WHEREAS the Court of Appeals affirmed this Court’s entry of partial final judgment in Case No. 14-CV-9287, Dkt. 265;


WHEREAS the Court of Appeals affirmed this Court’s judgment in Case No. 14-CV-10091, Dkt. 217; and

WHEREAS the Court of Appeals vacated this Court’s judgment in related Case Nos. 14-CV-9949 and 15-CV-6718 (“Hapag cases”) and “remanded for trial on the issue of whether Hapag directed that USOT be the physical supplier pursuant to the exception to the subcontractor rule,” No. 14-CV-09949, Dkt. 347;

IT IS HEREBY ORDERED that the parties must submit, no later than **March 20, 2019**, a joint letter detailing proposed next steps for this litigation. The letter shall include three proposed trial dates after June 15, 2019, for the Hapag cases and explain the need for any pretrial motions and briefing.

SO ORDERED.

Date: March 4, 2019
New York, New York


VALERIE CAPRONI
United States District Judge